

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARYL B. HAYNES, J12243,
Petitioner,
v.
C. PFEIFFER, Warden,
Respondent.

Case No. [18-cv-07046-CRB](#) (PR)

**ORDER DISMISSING PETITION FOR
A WRIT OF HABEAS CORPUS AS
SECOND OR SUCCESSIVE PETITION**

(ECF No. 2)

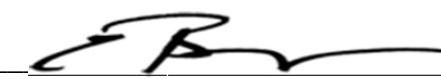
Petitioner, a state prisoner currently incarcerated at Kern Valley State Prison, has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a 1997 conviction and sentence from Alameda County Superior Court. His first petition was denied on the merits on April 30, 2003. See Haynes v. Runnels, No. 01-cv-04737-CRB (N.D. Cal. Apr. 30, 2003) (order denying petition for a writ of habeas corpus).

A second or successive petition may not be filed in this court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit. The petition accordingly is DISMISSED without prejudice to refiling if petitioner obtains the necessary order.

The clerk is instructed to close the file and terminate all pending motions (see, e.g., ECF No. 2) as moot.

IT IS SO ORDERED.

Dated: December 18, 2018


CHARLES R. BREYER
United States District Judge